

## **REMARKS**

Claims 1, 3-4, 8-9, 13-15, 19, 21-22, 26-27, 31-33, 37, 39-40, 44-45, and 49-51 are pending in the application.

Independent claims 1, 19, and 37 are currently amended and dependent claims 6, 24, and 42 are cancelled.

Applicant respectfully submits that entry of the currently amended claims is proper because the currently amended claims will either place the application in condition for allowance or in better form for appeal.

Claims 1, 3-4, 8-9, 13-15, 19, 21-22, 26-27, 31-33, 37, 39-40, 44-45, and 49-51 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent Application Publication No. 2002/0016760 to Pathak.

Claims 6, 24, and 42 stand rejected under 35 U.S.C. §103(a) as unpatentable over Pathak in view of U.S. Patent No. 6,202,051.

Applicants respectfully traverse the rejections based on the following discussion.

### **I. The Prior Art Rejections**

#### **A. The 35 U.S.C. 102(e) Rejection over Pathak**

##### **1. The Pathak Disclosure**

Pathak discloses a method for trading dissimilar products. A method and apparatus for implementing a mechanism by which a combination of products may be exchanged among market participants. The market participants use an online/computerized auction/bidding system to trade their products. For businesses trying to dispose products, this type of mechanism will result in higher revenue for the seller and at the same time satisfies the buyer. For businesses trying to acquire products, this type of mechanism will result in lowering the cost of procuring products and at the same time satisfies sellers. (Abstract).

Pathak also discloses the standard ascending auction process involves users bidding for a particular product, and the product is sold to the highest bidder. The aim here is for the seller of the product to sell at the maximum price. (Paragraph [0009], lines 4-8). There is a variation of

auction/bidding called the reverse auction. In this type of auction, a buyer posts his wish to buy or procure product or goods or services (this could be a Tender or Request for Proposal (RFP) or Request for Quote (RFQ). The sellers of the products then bid for it. In this type of auction/bidding the price of the bid generally decreases during the time period of the auction/bidding process. The aim of the buyer here is to buy or procure products at the lowest price. (Paragraph [0010]). There is another variation of the auction/bidding process where the seller or buyer specifies a reserve price. (Office Action, Paragraph [0014]).

## **2. Arguments**

Currently amended, independent claims 1, 19, and 37 recite in relevant part, "wherein said method is implemented by an online intermediary providing facilities as a service free of charge".

The Final Action states, in regard to claims 6, 24, and 42, which depend from claims 1, 19, and 37, respectively, that Pathak does not explicitly teach [that the] method is implemented by an online intermediary providing facilities as a service either against a fee or commission or free of charge. (Final Action, page 4, printed lines 13 and 14).

Applicants respectfully submit that independent claims 1, 19, and 37 are currently amended to incorporate the feature of "wherein said method is implemented by an online intermediary providing facilities as a service free of charge".

Pathak, therefore, does not explicitly teach that the method implemented by an online intermediary providing facilities as a service free of charge.

For at least the reasons outlined above, Applicants respectfully submit that Pathak does not disclose, teach or suggest at least the feature of: "wherein said method is implemented by an online intermediary providing facilities as a service free of charge", as recited in currently amended, independent claims 1, 19, and 37. Accordingly, Pathak does not anticipate the subject matter of currently amended, independent claims 1, 19, and 37, and dependent claims 3-4, 8-9, 13-15, 21-22, 26-27, 31-33, 39-40, 44-45, and 49-51, under 35 U.S.C. §102(e). Withdrawal of

the rejection of claims 1, 3-4, 8-9, 13-15, 19, 21-22, 26-27, 31-33, 37, 39-40, 44-45, and 49-51  
35 U.S.C. §102(e) as anticipated by Pathak is respectfully solicited.

**B. The 35 U.S.C. §103(a) Rejection over Pathak and Woolston**

The rejection of cancelled claims 6, 24, and 42 under 35 U.S.C. §103(a) over Pathak and  
Woolston is moot.

## II. Formal Matters and Conclusion

Claims 1, 3-4, 8-9, 13-15, 19, 21-22, 26-27, 31-33, 37, 39-40, 44-45, and 49-51 are pending in the application.

Applicant respectfully submits that entry of currently amended claims 1, 19, and 37 is proper because the currently amended claims will either place the application in condition for allowance or in better form for appeal.

With respect to the rejection of the claims over the cited prior art, Applicants respectfully argue that the present claims are distinguishable over the prior art of record. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections to the claims.

In view of the foregoing, Applicants submit that claims 1, 3-4, 8-9, 13-15, 19, 21-22, 26-27, 31-33, 37, 39-40, 44-45, and 49-51, all the claims presently pending in the application, are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest time possible.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary.

Please charge any deficiencies and credit any overpayments to Attorney's Deposit Account Number 09-0441.

Respectfully submitted,

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